

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 95-1171-S - ORDER NO. 95-1577 ✓
SEPTEMBER 29, 1995

IN RE: Application of Brookside Sewer District)	ORDER GRANTING
for Approval of an Increase in Rates)	WAIVER AND
and Charges for Sewer Service.)	ORDERING
)	ACCEPTANCE OF
)	APPLICATION

This matter comes before the Public Service Commission of South Carolina (the Commission) on the request of Brookside Sewer District (Brookside or the Company) for a waiver of the requirement stated in 26 S.C. Code Ann. Regs.103-512.4.13 that any Application for a change in rates contain the most recent letter of approval from the Department of Health and Environmental Control (DHEC) of the system. Brookside requests that, since it does not have the required letter, that the Commission waive the requirement that the DHEC letter be filed simultaneously with the Application. By letter dated September 19, 1995, counsel for Brookside states that a satisfactory approval from DHEC will be filed with the Commission prior to the hearing in this matter.

26 S.C. Code Ann. Regs.103-501(3) states that the Commission may waive a Regulation in any case where compliance with any of the rules and regulations introduces unusual difficulty and where such waiver is in the public interest. We find and hold that the present situation meets these criteria on behalf of Brookside in

that the DHEC letter had not been obtained at the same time the Application was submitted. The Commission believes, and so finds, that it is in the public interest to temporarily waive the regulation. Brookside is cautioned, however, that it must file the DHEC letter with the Commission as soon as said letter is received.

Based on the finding that the waiver of the regulation is in the public interest, the Commission orders that the Application be accepted.

IT IS THEREFORE ORDERED THAT:

1. The requirement of 26 S.C. Code Ann. Regs.103-512.4.13 that the DHEC letter be included with the Application is hereby temporarily waived until said letter is received by Brookside. As soon as the DHEC letter is received by Brookside, the Commission orders Brookside to file the DHEC letter with the Commission.

2. The Application of Brookside filed on September 6, 1995, shall be accepted.

3. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)